

EXHIBIT 10

2120 - Served	2121 - Served
2220 - Not Served	2221 - Not Served
2320 - Served By Mail	2321 - Served By Mail
2420 - Served By Publication	2421 - Served By Publication

(REV. 12/22/92) CCG-1

v.

No. 03 L 000433

F.H. PASCHEN, S.N. NIELSON, INC.,)
JACOBS FACILITIES, INC., CLIFFS AND)
CABLES, LLC and VOA & ASSOCIATES, INC.,)
defendants.)

PLEASE SERVE

George M. Pearce

131 S. Dearborn St., 30th Floor
Chicago, IL 60603

OCT 24 2005

Name	FRATERRIGO, BERANEK, FEIEREISEL & KASBOHM
Attorney for	Defendant
Address	55 West Monroe--Suite 3400
City	Chicago, Illinois 60603-5081
Telephone	[312]782-9255
Attorney No.	34597

WITNESS,....., 2005

DOROTHY E. BROWN
Clerk of the Court

Date of service:, 2005

(To be inserted by officer on copy left with
defendant or other person)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

***Law Division Room 801
Chancery-Divorce Room 802
County Division Room 801
Probate Division Room 1202**

FBFK 18869
PRIVILEGED - SUBJECT
TO PROTECTIVE ORDER

CLERK OF THE CIRCUIT COURT - COOK COUNTY
00000006 Law-01 10/24/2005 10:50AM
ATTY: 34597 017 RDERENGO
AD DAMNUM: \$50,000.00
CASE NO: 2003L000433 CALENDAR: B
COURT DATE: 0/0/0000 12:00AM
CASE TOTAL: \$131.00
Third Party 3 \$131.00
CHECK NO: 137858
CHECK AMOUNT: \$131.00
CHANGE \$0.00
TRANSACTION TOTAL: \$131.00

FBFK 18870
PRIVILEGED - SUBJECT
TO PROTECTIVE ORDER

KGB-04154/NHE/esr
W:\Cases\04154\kgb.Madden\pleadings\Upc_Schuler.wpd
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

#34597

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MICHAEL J. MADDEN and JEAN MADDEN,)
plaintiffs,)

v.)

No. 03 L 000433

F.H. PASCHEN, S.N. NIELSON, INC.,)
JACOBS FACILITIES, INC., CLIFFS AND)
CABLES, LLC and VOA & ASSOCIATES, INC.,)
defendants.)

VOA & ASSOCIATES,)
third-party plaintiff,)

v.)

SCHULER & SHOOK, INC.)
third-party defendants.)

FILED-3
CIRCUIT COURT
COOK COUNTY
ILLINOIS
MAY 11 2009

**VOA & ASSOCIATES' THIRD-PARTY
COMPLAINT FOR CONTRIBUTION**

NOW COMES the defendant, VOA & ASSOCIATES (VOA), by and through its attorneys, FRATERRIGO, BERANEK, FEIEREISEL & KASBOHM, and for its Third-Party Complaint for Contribution against Shuler & Shook, Inc., states as follows:

1. Plaintiff, a Consolidated District 230 employee, filed his Third Amended Complaint alleging that on August 19, 2002, he was injured in a fall while working at the Amos Alonzo Stagg High School in Palos Hills, Illinois. A copy of the third amended complaint is attached hereto as Exhibit A.
2. VOA, the architect on the project, filed an answer to plaintiff's third amended complaint, denying all liability. A copy of the answer is attached hereto as Exhibit B.

FBFK 18871
PRIVILEGED - SUBJECT
TO PROTECTIVE ORDER

3. According to plaintiff, he sustained injury when he fell into an orchestra pit in the Performing Arts Theater.

4. Prior to August 19, 2002, VOA & Associates, retained Shuler & Shook, Inc. as theater consultants to design the orchestra pit in question.

5. Said designs were incorporated into VOA's drawings of the structure related to the subject orchestra pit.

6. Although VOA denies liability and continues to deny liability, and pleading in the alternative, Shuler & Shook, Inc. owed the plaintiff a duty to exercise reasonable care in the performance of its services at the subject building, and Shuler & Shook, Inc. breached that duty by one of more acts or omissions:

- a. Failed to design or implement orchestra pit fillers in the orchestra pit;
- b. Failed to consult or advise VOA architects in regards to theater design safety;
- c. Failed to erect warning signs, barricades or block off said area;
- d. Failed to provide temporary pit covers in the interim;
- e. Failed to design millwork surrounding the pit which would prevent someone from walking into the pit.

7. The occurrence complained of by plaintiff in his complaint and the injuries allegedly sustained by the plaintiff were directly and proximately caused by, or contributed by, one of more of the foregoing negligent acts or omissions.

8. In the event that defendant/third party plaintiff, VOA is found liable to plaintiff, VOA is entitled to contribution from Shuler & Shook, Inc. pursuant to the Illinois Joint Tortfeasor Act, 740 ILCS §100 *et seq.* to the fullest extent of the law for contributing to the cause of plaintiff's alleged injuries and for all damages arising therefrom.

WHEREFORE, VOA respectfully requests that if plaintiff obtains judgment against VOA in any amount whatsoever, then VOA should also be awarded judgment against Shuler & Shook, Inc. for contribution in an amount commensurate with its percentage of liability for plaintiff's alleged injuries, for costs and for all other relief the Court deems appropriate.

Respectfully submitted:



Kurt G. Beranek
Nader H. Elrabadi
Attorneys for Defendant,
VOA & ASSOCIATES

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